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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,129	08/04/1999	HI-CHAN MOON	678-325-P882	5183
28249 7590 02/05/2008 DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. SUITE 702 UNIONDALE, NY 11553			EXAMINER SMITH, SHEILA B	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/368,129

Applicant(s)

MOON, HI-CHAN

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 96 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10, 96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-10, 96 are rejected under 35 U.S.C. 102(e) as being anticipated by Ault et al. (U.S. Patent Number 6,011,978).

***Regarding claim 1***, Ault et al. discloses essentially all the claimed invention as set forth in the instant application, further Ault et al. discloses a signal transmitting method in a base station (which reads on column 9 lines 24-35), comprising the steps of: transmitting a common channel signal at a first predetermined power level (which reads on column 9 lines 24-35); transmitting a pilot signal at a second predetermined power level, the pilot signal being transmitted at a power level greater than the second predetermined power level for a predetermined time period (which reads on column 4 lines 34-41); and transmitting a data channel signal (which reads on column 4 lines 30-50).

***Regarding claim 2***, Ault et al. discloses the pilot signal transmitted at the predetermined power level is spread first spreading code, and the pilot signal being transmitted at the higher

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power level for the predetermined time period is spread by a second spreading code (which reads on column 9 lines 24-35).

*Regarding claim 3*, Aultet al. discloses wherein the pilot signal is spread by one spreading (which reads on column 9 lines 24-35).

*Regarding claims 4 and 5*, Aultet al. discloses wherein the first and second spreading codes are orthogonal codes (which reads on column 9 lines 24-65).

*Regarding claim 6*, Aultet al. discloses wherein the predetermined time period is located at the boundary of consecutive data frames of the second signal (which reads on column 7 lines 35-36).

*Regarding claim 7*, Aultet al. discloses wherein the predetermined time period occupies half of said consecutive data frames (which reads on column 9 lines 24-65).

*Regarding claim 8*, Aultet al. discloses wherein the predetermined time period is set in consideration of propagation environment around the base station, arrangement of base stations, and a signal bandwidth (which reads on column 9 lines 24-35).

*Regarding claim 9*, Aultet al. discloses wherein the predetermined time period represents a fraction of one data frame (which reads on column 9 lines 24-35).

*Regarding claim 10*, Aultet al. discloses wherein the higher power level is equal to the overall transmission power of the base station (which reads on column 9 lines 24-35).

*Regarding claim 96*, Aultet al. discloses wherein the transmission power of one of the common channel signal and the data channel signal is decreased for the predetermined time period (which reads on column 9 lines 24-65).

*Response to Arguments*

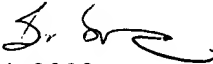
Applicant's arguments with respect to claims 1-10,96 have been considered but are moot in view of the new ground(s) of rejection.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith   
February 4, 2008

  
TEMICA BEAMER  
PRIMARY EXAMINER